

And then,

¶8.13 ADJOURNMENT

The SPEAKER pro tempore, Mr. GOSS, by unanimous consent and pursuant to the special order heretofore agreed to, at 6 o'clock and 55 minutes p.m., the House adjourned until 12:30 p.m. on Tuesday, January 30, 1996.

¶8.14 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOSS:

H.R. 2902. A bill to suspend tariff reductions on winter tomatoes imported from Mexico until the President certifies to the Congress that existing mechanisms are sufficient to protect the domestic industry from import surges from Mexico; to the Committee on Ways and Means.

By Mr. KASICH (by request):

H.R. 2903. A bill to provide for deficit reduction and achieve a balanced budget by fiscal year 2002; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Commerce, Banking and Financial Services, the Judiciary, Agriculture, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, National Security, Veterans' Affairs, Resources, International Relations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2904. A bill to amend the Public Buildings Act of 1959 to ensure that any lease entered into by a Federal agency for office, meeting, storage, and other space necessary to carry out the functions of the Federal agency shall be subject to the leasing requirements of the Public Buildings Act of 1959; to the Committee on Transportation and Infrastructure.

¶8.15 ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 500: Mr. BILIRAKIS.
H.R. 835: Mr. FAZIO of California.
H.R. 972: Mr. OBERSTAR.
H.R. 1023: Mr. CASTLE and Mr. CONYERS.
H.R. 1364: Mr. HASTERT.
H.R. 1802: Mr. PICKETT.
H.R. 1834: Mr. BREWSTER.
H.R. 2036: Mrs. LINCOLN.
H.R. 2500: Mr. TRAFICANT and Mr. PICKETT.
H.R. 2619: Mr. KLECZKA.
H.R. 2856: Mr. STUDDS, Ms. WOOLSEY, Mrs. LOWEY, and Mr. STARK.

TUESDAY, JANUARY 30, 1996 (9)

The House was called to order by the SPEAKER at 12:30 p.m.

¶9.1 MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2111. An Act to designate the Federal building located at 1221 Nevin Avenue in Richmond, California, as the "Frank Hagel Federal Building".

H.R. 2726. An Act to make certain technical corrections in laws relating to Native Americans, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the text of the bill (H.R. 2029) "An Act to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1543. An Act to clarify the treatment of Nebraska impact aid payments.

S. 1544. An Act to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota.

S. 1463. An Act to amend the Trade Act of 1974 to clarify the definitions of domestic industry and like articles in certain investigations involving perishable agricultural products, and for other purposes.

¶9.2 "MORNING HOUR" DEBATES

The SPEAKER, pursuant to the order of the House of Friday, May 12, 1995, recognized Members for "morning hour" debates.

¶9.3 RECESS—1:05 P.M.

The SPEAKER pro tempore, Mr. YOUNG of Florida, pursuant to clause 12 of rule I, declared the House in recess at 1 o'clock and 5 minutes p.m., until 2 o'clock p.m.

¶9.4 AFTER RECESS—2:00 P.M.

The SPEAKER pro tempore, Mr. YOUNG of Florida, called the House to order.

¶9.5 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. YOUNG of Florida, announced he had examined and approved the Journal of the proceedings of Friday, January 26, 1996.

Pursuant to clause 1, rule I, the Journal was approved.

¶9.6 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were referred as follows:

1985. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a listing of gifts by the U.S. Government to foreign individuals during fiscal year 1995, pursuant to 22 U.S.C. 2694(2); to the Committee on International Relations.

1986. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1987. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Evaluation of the D.C. Lottery Board's Wagering Cancellation Methodology," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

¶9.7 NOTICE REQUIREMENT—

CONSIDERATION OF RESOLUTION— QUESTION OF PRIVILEGES

Mrs. MINK, pursuant to clause 2(a)(1) of rule IX, announced her intention to call up the following resolution, as a question of the privileges of the House:

Whereas virtually every nation in the world has adhered to a moratorium on nuclear tests since September 1992;

Whereas, on June 13, 1995, President Jacques Chirac of France ended his nation's adherence to the moratorium by ordering a series of nuclear tests in the South Pacific;

Whereas France has acted conducted six nuclear tests on the Pacific atolls of Moruroa and Fangataufa in French Polynesia;

Whereas France has acknowledged that radioactive materials from some of the tests have leaked into the ocean;

Whereas, as a result of the tests, the people of the Pacific are extremely concerned about the health and safety of those who live near the test sites, as well as the adverse environmental effects of the tests on the region;

Whereas, in conducting the tests, France has callously ignored world-wide protests and global concern;

Whereas the United States is one of 167 nations that have objected to the tests;

Whereas the tests are inconsistent with the "Principles and Objectives for Disarmament", as adopted by the 1995 Review and Extension Conference of the Parties to the Treaty on Non-Proliferation of Nuclear Weapons;

Whereas, in proceeding with the tests, France has acted contrary to the commitment of the international community to the non-proliferation of nuclear weapons and the moratorium on nuclear testing;

Whereas the President of France, Jacques Chirac, is scheduled to appear before a joint meeting of the Congress on February 1, 1996; and

Whereas, in light of the tests, the appearance of the President of France before the Congress violates the dignity and integrity of the proceedings of the House: Now, therefore, be it

Resolved, That, by reason of the recent nuclear tests conducted by France in the South Pacific, the Speaker of the House shall take such action as may be necessary to withdraw the invitation to the President of France, Jacques Chirac, to address a joint meeting of the Congress, as scheduled to occur on February 1, 1996.

SEC. 2. On and after the date on which this resolution is agreed to, the Speaker of the House may not agree to the appearance before a joint meeting of the Congress by any head of state or head of government whose nation conducts nuclear tests.

The SPEAKER pro tempore, Mr. YOUNG of Florida, responded to the foregoing notice, and said:

"Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Speaker in the legislative schedule within two legislative days of its being properly noticed. The Chair will announce the Chair's designation at a later time. The Chair's determination as to whether the resolution constitutes a question of privilege will be made at the time designated by the Chair for consideration of the resolution."

¶9.8 COMMUNICATION FROM THE CLERK— MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore, Mr. YOUNG of Florida, laid before the House a communication, which was read as follows:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, January 30, 1996.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Monday, January 29, 1996 at 1:20 p.m. and said to contain a message from the President whereby he submits a semiannual report on the continued compliance with U.S. and international standards in the area of emigration policy of the Republic of Bulgaria.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

19.9 BULGARIA EMIGRATION CRITERIA

The Clerk then read the message from the President, as follows:

To the Congress of the United States:

On June 3, 1993, I determined and reported to the Congress that Bulgaria is in full compliance with the freedom of emigration criteria of sections 402 and 409 of the Trade Act of 1974. This action allowed for the continuation of most-favored-nation (MFN) status for Bulgaria and certain other activities without the requirement of a waiver.

As required by law, I am submitting an updated report to the Congress concerning emigration laws and policies of the Republic of Bulgaria. You will find that the report indicates continued Bulgarian compliance with U.S. and international standards in the area of emigration policy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 29, 1996.

By unanimous consent, the message, together with the accompanying papers, was referred to the Committee on Ways and Means and ordered to be printed (H. Doc. 104-169).

19.10 MUNICIPAL SOLID WASTE FLOW CONTROL—S. 534

Mr. BLILEY moved to suspend the rules and agree to the following resolution (H. Res. 349):

Resolved, That upon the adoption of this resolution, the Committee on Commerce shall be discharged from further consideration of the bill S. 534 and the House shall be considered to have struck out all after the enacting clause and inserted in lieu thereof an amendment consisting of the text contained in section 2 of this resolution, the bill shall be considered to have passed the House, as amended, and the House shall be considered to have insisted on the House amendment and requested a conference with the Senate thereon.

SEC. 2. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act is amended by adding after section 4010 the following new section:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

"(a) FLOW CONTROL AUTHORITY FOR FACILITIES DESIGNATED AS OF MAY 16, 1994.—Any State or political subdivision thereof is authorized to exercise flow control authority

to direct the movement of municipal solid waste, and recyclable materials voluntarily relinquished by the owner or generator thereof, to particular waste management facilities, or facilities for recyclable materials, designated as of May 16, 1994, if each of the following conditions are met:

"(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, determined as of May 16, 1994.

"(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or legally binding official act of the State or political subdivision that—

"(A) was in effect on May 16, 1994,

"(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution, or

"(C) was in effect immediately prior to suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of a court order of the type described in subparagraph (B) issued by a court of the same State or Federal judicial circuit.

"(3) The State or a political subdivision thereof has, for one or more of such designated facilities, in accordance with paragraph (2), on or before May 16, 1994, either—

"(A) presented eligible bonds for sale, or

"(B) executed a legally binding contract or agreement that obligates it to deliver a minimum quantity of waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials and that obligates it to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required time-frame.

"(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—The flow control authority of subsection (a) shall only permit the exercise of flow control authority to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which flow control authority was applicable on May 16, 1994, or immediately before the effective date of an injunction or court order referred to in subsection (a)(2)(B) or an action referred to in subsection (a)(2)(C) and—

"(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of May 16, 1994, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories within 2 years prior to May 16, 1994, or the effective date of such injunction or other court order or action,

"(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of May 16, 1994, only of the classes or categories that were clearly identified by the State or political subdivision as of May 16, 1994, to be flow controlled to such facility, and

"(3) only to the extent of the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials.

If specific classes or categories of municipal solid waste or recyclable materials were not clearly identified, paragraph (2) shall apply only to municipal solid waste generated by households, including single family residences and multi-family residences of up to 4 units.

"(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section to any facility or facilities only until the later of the following:

"(1) The expiration date of the bond referred to in subsection (a)(3)(A).

"(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(B).

"(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

Such expiration dates shall be determined based upon the terms and provisions of the bond or contract in effect on May 16, 1994. In the case of a contract described in subsection (a)(3)(B) that has no specified expiration date, for purposes of paragraph (2) the expiration date shall be treated as the first date that the State or political subdivision that is a party to the contract can withdraw from its responsibilities under the contract without being in default thereunder and without substantial penalty or other substantial legal sanction.

"(d) MANDATORY OPT-OUT FOR GENERATORS AND TRANSPORTERS.—Notwithstanding any other provision of this section, no State or political subdivision may require any generator or transporter of municipal solid waste or recyclable materials to transport such waste or materials, or deliver such waste or materials for transportation, to a facility that is listed on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such facility has adequately indemnified the generator or transporter against all liability under that Act with respect to such waste or materials.

"(e) EFFECT ON EXISTING LAWS.—

"(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be interpreted or construed to have any effect on any other law relating to the protection of human health and the environment, or the management of municipal solid waste or recyclable materials.

"(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law.

"(3) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or political subdivision, nor shall prohibit any persons from selling, purchasing, accepting, conveying, or transporting any recyclable materials, unless the generator or owner voluntarily makes such recyclable materials available to the State or political subdivision and relinquishes any rights to, or ownership of, such recyclable materials.

"(f) FACILITIES NOT QUALIFIED FOR FLOW CONTROL.—No flow control authority may be exercised under the provisions of this section to direct solid waste or recyclable materials to any facility pursuant to an ordinance if—

"(1) the ordinance was determined to be unconstitutional by a State or Federal court in October of 1994;

"(2) the facility is located over a sole source aquifer, within 5 miles of a public beach, and within 25 miles of a city with a population of more than 5,000,000; and

"(3) the facility is not fully permitted and operating in complete official compliance with all Federal, State, and local environmental regulations.

"(g) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the flow control authority granted in this section only if the State or qualified political subdivision limits the use of any of the